

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BILLY EMMET BRANDOW,

Petitioner,

Case No. 2:10-cv-104

v.

Honorable R. Allan Edgar

GREG MCQUIGGIN,

Respondent.

MEMORANDUM AND ORDER

Bill Emmet Brandow, a Michigan state prisoner in the custody of the Michigan Department of Corrections, filed a pro se motion for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner was convicted of first-degree and second-degree criminal sexual conduct. On May 30, 2013, Magistrate Judge Timothy P. Greeley submitted a report and recommendation. Doc. No. 23. Magistrate Judge Greeley found that the habeas petition was without merit and that petitioner had not met his burden of showing that he is entitled to habeas relief under 28 U.S.C. § 2254. It is recommended that petitioner's habeas petition be denied and dismissed with prejudice, and that a certificate of appealability be denied pursuant to 28 U.S.C. § 2253(c)(2).

Petitioner has filed objections to the report and recommendation. Doc. No. 24. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a). In his

objections, Petitioner restates the arguments made in his petition. Petitioner's objections are without merit and are therefore DENIED. The Court ACCEPTS and ADOPTS the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L.Civ.R. 72.3(b). The entire habeas petition is DENIED and DISMISSED WITH PREJUDICE.

If petitioner files a notice of appeal from the decision and judgment in this case, the notice of appeal will be treated as an application for a certificate of appealability which shall be DENIED pursuant to 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1); and *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Reasonable jurists could not find that the dismissal of each of petitioner's habeas claims was debatable or wrong.

A separate judgment will be entered.

SO ORDERED.

Dated: 8/8/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge